

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

WILBUR MORRIS VANNATTER,

Plaintiff,

v.

Civil Action No.: 3:21-CV-00125

**CSX TRANSPORTATION, INC.,
ROY C. KAISER,
JOHN DOE, Locomotive Operator, AND
JOHN DOES, (1-10),**

Defendants.

AGREED ORDER OF DISMISSAL

On this day came Plaintiff, Wilburn Morris Vannatter III (“Plaintiff”), by and through counsel, Adrian Hoosier, and Defendant, CSX Transportation, Inc., by and through counsel, Robert L. Massie (collectively, the “Parties”), and hereby jointly announce to the Court that all matters in controversy between the Parties in the above-referenced matter have been resolved. Accordingly, the Parties jointly move this Court to dismiss any and all claims against Defendant CSX Transportation, Inc., with prejudice, in the above-referenced matter.

WHEREFORE, the Court, having considered the request of counsel, and being otherwise sufficiently advised, hereby **ADJUDGES, ORDERS AND DECREES** that Plaintiff’s claims against Defendant CSX Transportation, Inc. are **DISMISSED WITH PREJUDICE**. The parties shall bear their own costs.

There being nothing further to be done this matter is **ORDERED** stricken from the docket of this Court.

The Court further **DIRECTS** the Clerk to send a copy of this Agreed Order of Dismissal to all counsel of record.

Entered this the _____ day of _____, 2022.

Hon. Judge Robert C. Chambers

Presented by:

/s/ Robert L. Massie

Robert L. Massie, Esquire (WVSN 5743)

Diane O. Long, Esquire (WVSN 13390)

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

949 Third Avenue, Suite 200

Post Office Box 1856

Huntington, West Virginia 25719

Phone: (304) 526-3502

Fax: (304) 526-3599

Email: bob.massie@nelsonmullins.com

Email: diane.long@nelsonmullins.com

Counsel for Defendant CSX Transportation, Inc.

Agreed to and Approved by:

/s/ D. Adrian Hoosier w/permission

D. Adrian Hoosier, Esquire (WVSB# 10013)

Hoosier Law Firm, PLLC

213 Hale Street, Suite 100

Charleston, West Virginia 25301

T: (681) 215-0642

F: (681) 245-6192

adrian@hlfwv.com

and

Joseph M. Sayler, Esquire (*admitted pro hac vice*)

Sara Nachtman, Esquire (*admitted pro hac vice*)

David L. Tomenes, Esquire (*admitted pro hac vice*)

Bolt Hoffer Boyd Law Firm

2150 Third Avenue N., #350

Anoka, MN 55303

T: (763) 406-7000

F: (763) 208-3607

Counsel for Plaintiff